

RESOLUTION NO. 75086

**RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
ADOPTING A FEE SCHEDULE
FOR TOW SERVICES AGREEMENTS**

WHEREAS, on March 25, 2008, the City Council adopted Resolution No. 74303 establishing a Fee Schedule for Tow Services Agreements; and

WHEREAS, on August 18, 2009 a hearing was held to consider a report from City staff recommending changes to the Fee Schedule in accordance with Council Policy 09-08;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Effective as of 12:01 am on August 20, 2009, the following maximum charges are hereby established for services or materials furnished by the Contractor engaged in the tow-car business in connection with any vehicle tow pursuant to an Agreement for Tow Services entered into by the City of San Jose. (All charges shall include any charge for unlocking a vehicle when necessary):

1. Basic Tow - For any tow of a disabled vehicle from the scene of an accident; \$175.00
or of an unattended or abandoned vehicle from a public street when
authorized by a police officer or other authorized employee of City; or of a
driverless vehicle from a public street or private property, when authorized by
a police officer, or other authorized employee of City, and when required on
account of the disability of the driver. For any tow of a vehicle from a public
street or private property when authorized by the person lawfully entitled to
the possession of the vehicle; or of a vehicle parked without authorization on
private property by the person lawfully entitled to the possession of the real
property. For any tow of a vehicle authorized by a San José police or other
authorized City employee from a location on a freeway within the city limits
of the City of San José
2. Service call - response by a tow truck to a request by or on \$78.00
behalf of the person in lawful possession of a vehicle, or by a per hr
police officer, but towing is found not to be necessary, for each
period of fifteen (15) minutes, or portion thereof, required to be
spent from the time of departure to return to the customary tow-
car location or to release to another assignment:

Class "A" regular duty tow-trucks \$19.50 per quarter hour
Class "B" medium duty tow-trucks \$71.25 per quarter hour
Class "C" heavy duty tow-trucks \$87.50 per quarter hour
Class "D" heavy duty tow-trucks \$87.50 per quarter hour

3. Extraordinary Services Tows

Where one or more of the following conditions is met:

- a. tow services authorized in writing by the City as requiring more than the use of one Class A tow truck for more than one hour from the time of dispatch to the time of departing the scene
- b. vehicles that have been driven off of embankments;
- c. accidents where a vehicle is overturned, burned, or imbedded in a structure or another vehicle;
- d. vehicles which must be recovered over six feet from the roadway.
- e. Heavy Vehicle Tows (Special Tows):
 - Class B – for towing vehicles which are under 6000 lbs. (empty) which require Class B truck recovery, e.g. fifth wheel trailers, small motor homes, horse trailers and heavily loaded one-ton trucks; and for towing vehicles which exceed 6000 lbs. (empty), e.g. medium to large motor homes, commercial trucks and trailers and trailers less than 26,000 lbs. (empty);
 - Class C & D - for towing vehicles where weight or complex recovery requires the use of a Class C or D Tow Trucks (e.g. vehicles with a weight exceeding 26,000 lbs. (empty) such as a very large motor home bus or semi-truck and trailer rig;
- f. Vehicles which are in more than one piece as a result of a collision;

and it has been documented by requiring the written authorization of the impounding officer on the CHP 180 form (impounds only) or Tow Authorization Form when the CHP 180 form is not required, then the following rates are applicable as authorized:

Class "A" regular duty tow-trucks	\$78 per hour
Class "B" medium duty tow-trucks	\$285 per hour
Class "C" heavy duty tow-trucks	\$350 per hour
Class "D" heavy duty tow-trucks	\$350 per hour

The foregoing rates shall be charged as a one hour minimum charge plus a prorata charge for each quarter hour as authorized.

4. Storage fee:

Passenger vehicles, motorcycles, vans and light trucks (per day)	\$55.00
Per Space	

5. After Hours Gate Fee - for the release of a vehicle between 9pm and 6 am	\$70.00
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SECTION 2. During the term of the Agreement from the effective date of this Resolution until this Resolution is superseded, each Contractor shall pay City, as consideration for the right to perform City-generated tows pursuant to the Agreement the following fees:

Contract Compensation Rate - per tow (all tows including motorcycles)	\$75.25
Dispatch Rate - per dispatch	\$7.00

SECTION 3. Resolution No. 74840 is superseded as of date and time set forth in Section 1 above.

ADOPTED this 18th day of August, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDI, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE
City Clerk